IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

WRIT PETITION NO. 1931 of 2005 (S/S)

Jagdish Singh Butola
S/o Shri Dileep Singh,
Head Master,
Primary School,
Karanprayag-II,
District Chamoli. ..... Petitioner.

Vs.

1. Block Development Officer,
   Karanprayag (Chamoli)
2. Additional District Education
   Officer (Basic), Chamoli
3. Director, Basic Education,
   Uttaranchal, Dehradun.
4. State of Uttaranchal through
   Its Education Secretary,
   Dehradun. ..... Respondents

December 21,2005

Sri M.S.Chauhan, learned counsel for the petitioner.
Sri Harendra Belwal, Advocate for the State.

Hon'ble Rajesh Tandon, J.

1. Heard Mr. M.S.Chauhan, learned counsel for the petitioner and learned Standing Counsel for the State. Both the learned counsel for the parties agreed that this petition may be disposed of at the admission stage.

2. By the present writ petition, the petitioner has prayed for a writ of certiorari to quash the order dated 30.11.2005 passed by the respondent no. 2.

3. Briefly stated according to the case of the petitioner, he has been working in different Primary schools from

14.02. 1079. However, the petitioner was transferred by the order dated 9th September 20005 passed by the Director of Basic Education, Uttaranchal and the petitioner was relieved from the Primary school, Simlashu, District Chamoli and joined the transferred place on 15.09.2005 and gave his joining to Assistant Teacher, Primary School Karanprayag-II, District Chamoli. The counsel for the petitioner submitted that in spite of giving joining on the transferred place, 12 days after, a letter was issued to the petitioners on 27.09.2005 levelling certain charges against the petitioner and the suspension order has been passed on account of that.

4. Since the suspension order has been passed, I therefore, direct the respondents to complete the enquiry within a period of four months from the time of production of certified copy of this order. However, during this period, the order passed against the petitioner on 30th November 2005 shall remain in abeyance.

5. The Disciplinary Authority is directed to complete the enquiry within a period of four months from the date of filing of the certified copy of this order. The petitioner shall be entitled to the salary along with the payment of arrears of salary.

6. Subject to aforesaid observation, the writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

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